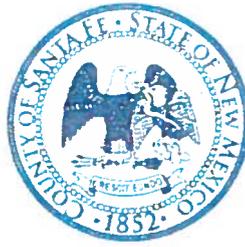


**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** May 14, 2013

**TO:** Board of County Commissioners

**FROM:** John Lovato, Development Review Specialist Senior *JL*

**VIA:** Penny Ellis-Green, Land Use Administrator *PEG*  
Vicki Lucero, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor *WD*

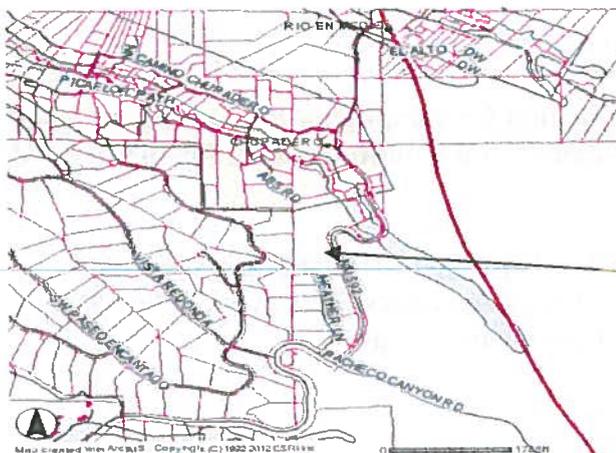
**FILE REF.:** CDRC CASE # V 12-5360 Henry Sanchez Variance

**ISSUE:**

Henry Sanchez, Applicant, James McCreight, Agent, request a variance of Article III, Section 2.3.6b2 (Height Restrictions For Dwellings Or Residential Accessory Structures) to allow an existing 1,000 square foot Accessory Structure to exceed 18' feet in height on 2.5 acres.

The property is located at 35 Heather Lane, within the vicinity of Chupadero, within Section 5, Township 18 North, Range 10 East (Commission District 1).

**Vicinity Map:**



Site Location

**SUMMARY:**

The Applicant requests a variance of Article III, Section 2.3.6b.2 (Height Restrictions for Dwellings or Residential Accessory Structures) to allow an existing 1,000 square foot Accessory Structure (Garage) to exceed 18' feet in height. The structure was originally permitted through Santa Fe County under permit #11-522, and the structure is near completion. County staff approved a building permit for a residence which met height requirements. The permit was later amended with an accessory structure (Garage). Staff approved the permit at a height of 21 feet. After receiving a complaint regarding the structure and the roof reflectivity, staff conducted an inspection and found the structure was built within the height approved in the permit but exceeded the height permitted in the code as it was located on a ridgetop.

The permit for the garage was issued in error. However, the applicant relied on the permit and built in accordance with the permit. Staff is therefore recommending that the variance be approved. If the variance were denied the County could be financially liable to reduce the building height.

The Structure exceeds height requirements for ridgetops. The Maximum allowable height for ridgetops is 18' feet for a pitched roof and 14' feet for a flat roof. The Applicant states, a variance is needed due to the expense it would cost to bring the structure into compliance with the height requirements for ridgetops. The Applicant further states during the submittal process they thought they were allowed a maximum height of 24 feet.

Article II, § 3 (Variances) of the County Code states: "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified." **The variance criteria does not consider financial or medical reasons as extraordinary hardships**

**This Application was submitted on October 16, 2012**

**Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Variance of Article III, § 2.3.6b.2 (Height Restrictions for Dwellings or Residential Accessory Structures) of the Santa Fe County Land Development Code.

**GROWTH MANAGEMENT AREA:** El Norte, SDA-2

**HYDROLOGIC ZONE:** Basin Fringe Zone, minimum lot size per Code is 12.5 acres per dwelling unit.

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX: 505-995-2740 www.santafecounty.org

**FIRE PROTECTION:** Tesuque Fire District.

**WATER SUPPLY:** Shared Domestic Well

**LIQUID WASTE:** Conventional Septic System.

**VARIANCES:** Yes

**AGENCY REVIEW:**

<u>Agency</u>	<u>Recommendation</u>
County Fire	Approval at Permit Application

**STAFF RECOMMENDATION:** On February 21, 2013, the CDRC met and acted on this case, the decision of the CDRC was to recommend denial of the Applicant's request by a 5-0 vote. After further review of the application and approved building permit, the applicant was approved at a height of 21 feet and has constructed the structure at 18'-8". Therefore, Staff recommends approval of the requested variance.

If the decision of the BCC is to approve the Applicant's request, staff recommends imposition of the following conditions:

1. The Applicant shall Screen the structure to protect and enhance the visual appearance of natural hillsides. (As per Article III, § 2.3.10a.3)
2. The structure and roof shall be constructed in non-reflective earth tone colors (As per Article III, § 2.3.8a.2).
3. The Applicant must update the approved development permit from the Building and Development Services Department to reflect the correct height of the accessory structure (As per Article II, § 2).

**EXHIBITS:**

1. Letter of request
2. Article II, § 3 (Variances)
3. Article III, § 2.3.6
4. Article III, § 2.3.10a.3
5. Article III, § 2.3.8a.2
6. Letter From Vista Redonda Water and Property Owners' Association
7. Site Photographs
8. Plan Elevation
9. Aerials of Site and Surrounding Area
10. February 21, 2013 CDRC Meeting Minutes



We are asking for a 12-15 inch variance in the height of our garage; that has already been completed.

Our home will conform to the required height restriction, and will block the vistas from the west where the Vista Redonda subdivision is located. "They are the party who voiced a complaint."

The garage will not be seen once the home is constructed, due to the fact that the home will face all of Vista Redonda to the west, and the garage is on the east side.

Unfortunately during the submittal process the fact that the area is considered "ridge top" never came up. We thought we were allowed the maximum height of 24 feet.

We appreciate your consideration in this matter.

Thank you



### 2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

### 2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

### 2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

## → SECTION 3 - VARIANCES

### 3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

### 3.2 Variation or Modification

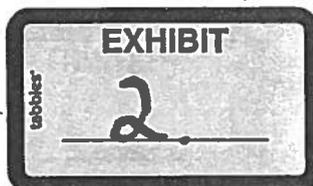
In no case shall any variation or modification be more than a minimum easing of the requirements.

### 3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

### 3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the



2.3.4b Any development site on a ridgetop must be set back from the shoulder toward the crest of a hill or ridge pursuant to Article VII, Section 3.4.1 d, Performance Standards for Development Site.

2.3.5 Shared points of ingress and egress to adjacent development sites is encouraged, unless it can be demonstrated that additional or separate access is necessary. Design standards and submittal requirements as set forth in Article III, Section 4.4.3a, for Driveway Access, and Article VII, Section 3.4.4, Roads and Driveways shall be applied.

→ 2.3.6 Height Restrictions for Dwellings or Residential Accessory Structures

2.3.6a. For the purpose of this Section, height means the vertical distance from any point on the upper surface of a building or structure to the natural grade or finished cut grade, whichever is lower, directly below that point.

2.3.6b. The height of any dwelling or residential accessory structure shall not exceed twenty-four feet (24'). The vertical depth of fill materials from the natural grade, with or without retaining walls, shall be considered as a component of the building or structure; this depth shall be included in the determination of building height. Chimneys may extend three feet (3') beyond the height limitation. In addition:

1. The height of any dwelling or residential accessory structure located on land which has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18'). The vertical distance between the highest point of a building and the lowest point of a building at natural grade or finished cut grade, whichever is lower, shall not exceed thirty feet (30'). The Code Administrator may waive this requirement if the portion of the structure located on land over 15 % slope is incidental to the entire site.
- 2. On ridgetops as defined in Article X of the Code, only one story buildings are allowed. On ridgetops, the height of any dwelling or residential accessory structure shall not exceed fourteen feet (14'), except one story pitched roof style buildings may be allowed a maximum height of eighteen feet (18') provided such roof can be screened from a public way and pursuant to a site visit and approval of the Code Administrator.
3. Structures for agricultural purposes shall meet the requirements of Article III, Section 1.

2.3.6c. Requests for residential accessory structures such as windmills and radio antennas to exceed the maximum height restrictions shall be reviewed for approval by the County Development Review Committee. When an exception to the height restrictions is desired, the applicant shall submit plans for the installation and operation of the accessory structure with a report explaining why the requested height of the structure is necessary for proper function. The County Development Review Committee shall consider: whether the requested structure is reasonably necessary to be on the proposed site; whether the applicant has demonstrated that the requested height is the minimum height necessary for the proposed structure to function properly, not to exceed a maximum height of forty-five feet (45'); and the size of the lot and impact on neighboring properties.

2.3.7 Terrain Management

All development of a lot, tract, or parcel shall be done in accordance with the Santa Fe County Land Development Code, Chapter 1, Section 1.1, Terrain Management.



2.3.9 Utilities2.3.9a Purpose and Intent

To minimize the visual scars created by trenching or the visual intrusion to the skyline by overhead installation of utilities across undeveloped terrain.

## 2.3.9b Installation of new utilities in development shall meet the following standards:

- 1) All new and replacement water, gas, electric, telephone, television or other utilities, including both main and service lines shall be placed underground within designated utility corridors. Infill development in areas currently served by overhead electrical lines, where conversion to underground for single uses may create safety or service problems, may continue to use overhead lines subject to individual review and approval by the Code Administrator.
- 2) Utility trenches shall be placed within easements in or adjacent to road or driveway easements or rights-of-way except where alternate locations are required for gravity flow of water or sewer or where a significant reduction in line length and terrain disturbance would be achieved by cross country easements and trenching.
- 3) All utility installations must meet the design standards for grading and removal of vegetation and revegetation of utility trenches found in Article VII, Section 3, Terrain Management.
- 4) Reserve Section for location of multiple utilities within roadway easements.

2.3.10 Landscaping2.3.10a. Purpose and Intent

The standards and guidelines for landscaping are intended to promote three primary purposes:

- 1) The preservation of native vegetation. Native trees, shrubs and other natural vegetation stabilize steep slopes, retain moisture, prevent erosion, provide habitat for wildlife, play a role in the prevention of air and noise pollution, and enhance natural scenic qualities.
- 2) Revegetation of land disturbed in the development process:
  - a. to minimize erosion, runoff, dust, and other negative physical impacts associated with land disturbance;
  - b. to maintain and stabilize cut and fill slopes, and conceal raw soil from view.
- 3) Screening of development in areas of steep terrain and ridgetops to protect and enhance the visual appearance of natural hillsides.

2.3.10b Preservation and Revegetation of Native Vegetation

- 1) Grading and clearing of existing native vegetation shall be limited to approved development sites. No significant tree may be removed from slopes greater than thirty percent (30%).
- 2) Cleared or graded areas which are not built on and cut and fill areas shall be revegetated to the approximate original density and type of vegetation existing prior to disturbance. Areas to be used for recreation or park landscaping or rural agricultural uses shall be excluded from this requirement.
- 3) Any transplantable tree that will be displaced by construction shall be the primary source of screening, buffering or other

EXHIBIT

4.

### 2.3.8 Architectural and Appearance Standards

#### 2.3.8a. Purpose and Intent

These standards for architecture and appearance apply only to development sites where any portion of land has a natural slope prior to development of fifteen percent (15%) or greater and on ridgetops; they are designed to assure that buildings, roads, driveways, utilities, and other development blend into the natural landscape and conform to the existing natural topography, vegetation, and soils characteristics. The natural form, color, slope, and texture of the hills or mountains should be the dominant feature, not the built environment. The following standards apply to all new buildings and additions to existing structures which are located on natural slopes of fifteen percent (15%) or greater or on ridgetops:

- 1) Architectural styles are not regulated; however, buildings which fit the traditional or local building types, styles, and scale, as these vary throughout the County, are encouraged.
- 2) Neutral and darker shades of colors shall be used for exterior walls, facades, and roofs which blend with the natural foliage of the native trees or other vegetation or, where vegetation is sparse, with the natural earth tones of the soils on the building site. Roof colors visible from adjacent properties and all wall and facade colors shall be muted and of non-reflective or non-glossy materials with a Light Reflective Value (LRV) of less than forty (40) pursuant to manufacturers specifications. When such data is unavailable, compliance will be determined by a comparison of samples where data is available. This Light Reflective Value standard shall not apply within established Traditional Community Districts.
- 3) Pitched or shed roofs are allowed, provided they are within the height limitations set forth in Article III, Section 2.3.6, Height Restrictions.
- 4) Buildings should be designed using such techniques as variations in height and orientation and offset walls to reduce the visible mass or bulk.
- 5) Window and door glazing shall be non-mirrored with a Light Reflectance Value of forty (40) or less.
- 6) To minimize cuts and fills, buildings shall be designed to conform to the natural terrain by following contours, fitting into existing landforms, and solidly meeting the ground plane. Any pier foundations shall be enclosed so that exterior walls appear to meet the ground and shall not exceed the height limitations set forth in Article III, Section 2.3.6. For a structure built on a natural slope of over twenty percent (20%), the finished floor elevation at any point shall not exceed five feet (5') above the natural grade below that point. (See Article VII, Section 3.4.1, Terrain Management Performance Standards.)
- 7) Free standing walls and fences and retaining walls shall also be designed to conform to the natural terrain.
- 8) Multi-story buildings are prohibited on ridgetops.

2.3.8b. Reserve Section for future overlay districts for visual sensitivity which may be designated by the County.



VISTA REDONDA WATER & PROPERTY OWNERS' ASSOCIATION  
P.O.Box 375  
Tesuque, NM 87574

10 December, 2012

Santa Fe County Development Review Committee  
102 Grant Avenue  
Santa Fe NM. 87501

Re: CDRC CASE # V125360 James McCreight Variance

Dear Chairman and Committee Members:

The Vista Redonda Water & Property Owners' Association and Vista Redonda Architectural Committee concurs with the Staff Recommendation regarding excess roof height, and, are particularly concerned with the applicants non-conformance with roof color and light reflective value (LRV). We respectfully request the the roof height, and metal roofing recently applied to the subject structure, and any future structures, adhere to the Santa Fe County Land Development Code, Article III, Section II 2.3.8 (2) which reads in part:

*Natural and darker shades of color shall be used for exterior walls, facades, and roofs which blend with the natural foliage of the native trees or other vegetation or, where vegetation is sparse, with the natural earth tones of the soils on the building site. Roof colors visible from adjacent properties and all wall and facade colors shall be muted and of non-reflective or non glossy materials with a Light Reflective Value (LRV) of less than (40) pursuant to manufactures specifications.*

The Vista Redonda Water & Property Owners' Association appreciates being given the opportunity to submit this letter for your consideration.

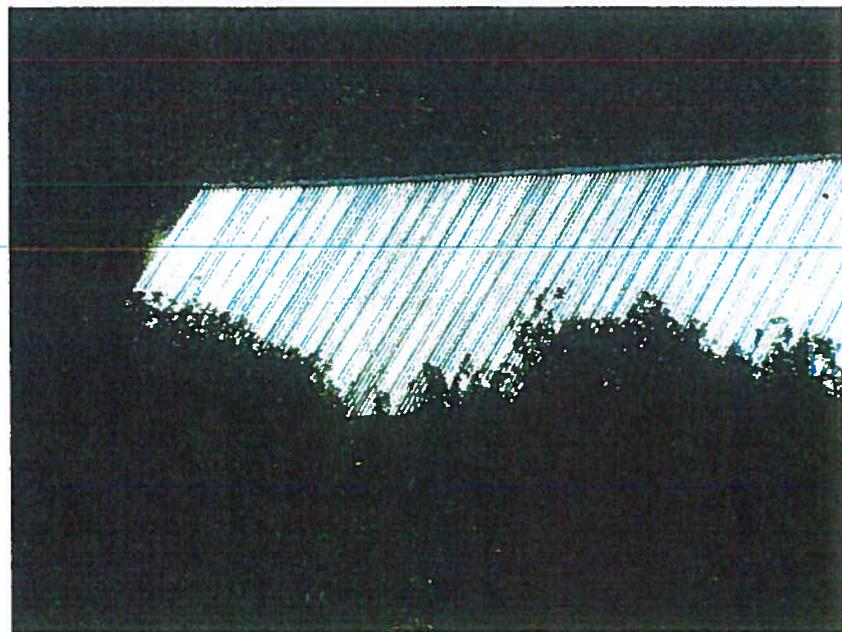
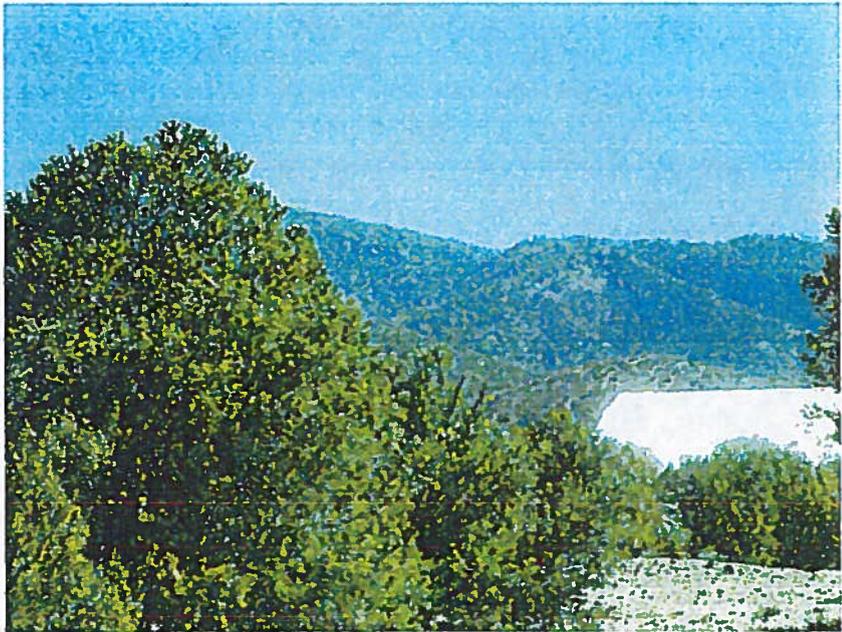
Sincerely,

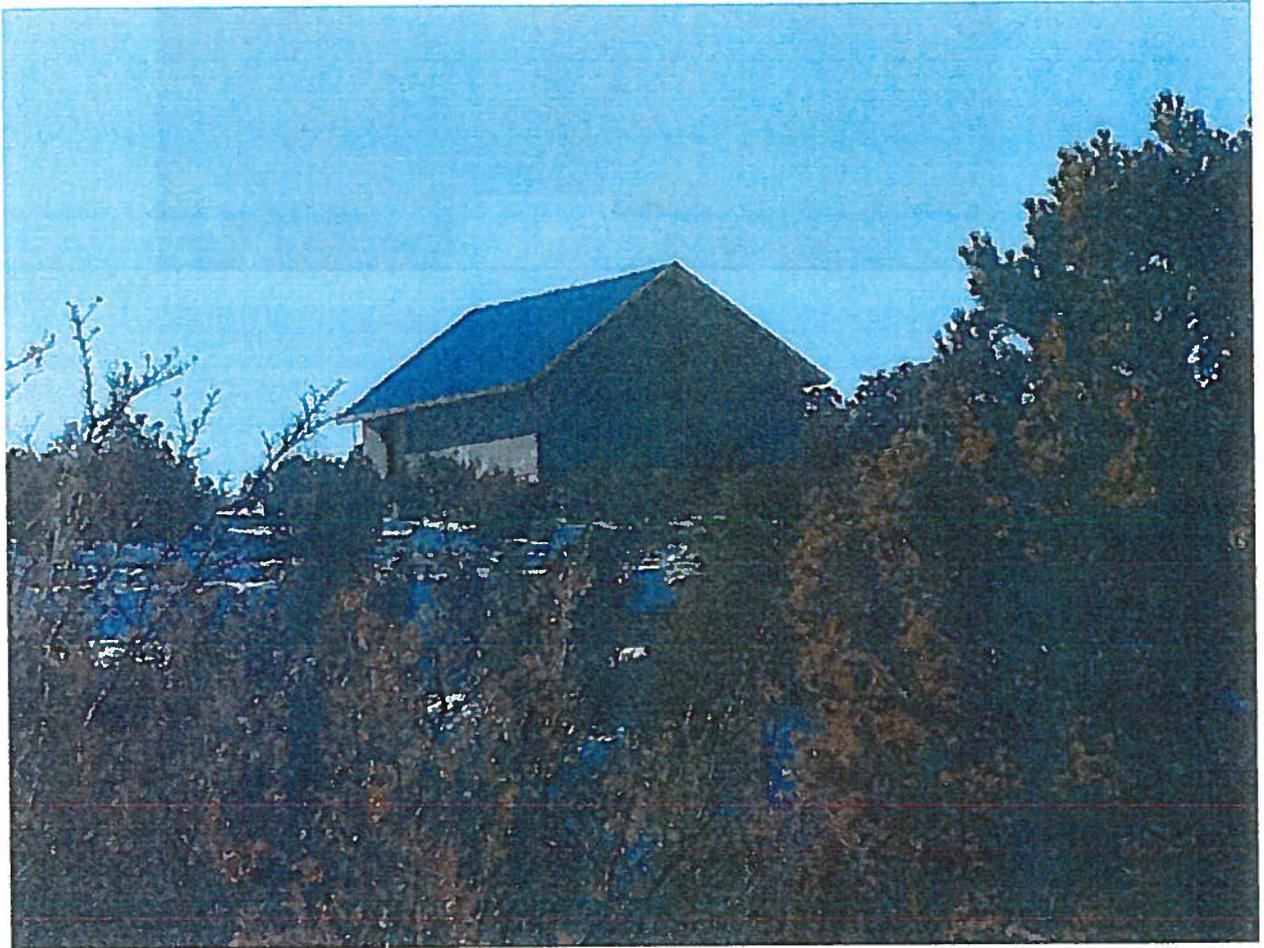
*Susan G. Mize, President, Board of Directors,  
Vista Redonda Water & Property Owners' Association*

Sue Mize, President  
(505) 988-7526

attached exhibit







Henry Sanchez

35 Heather Lane

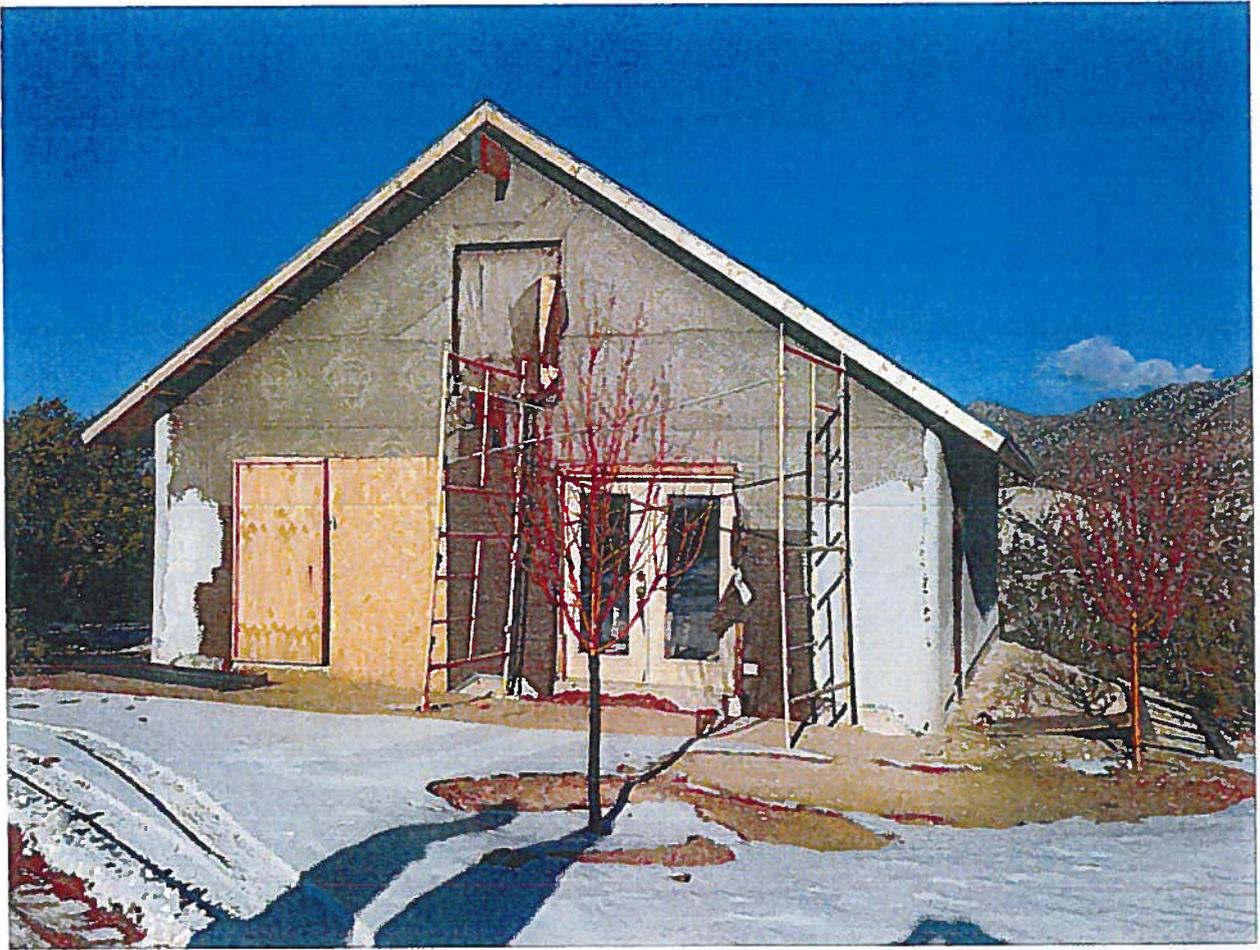




---

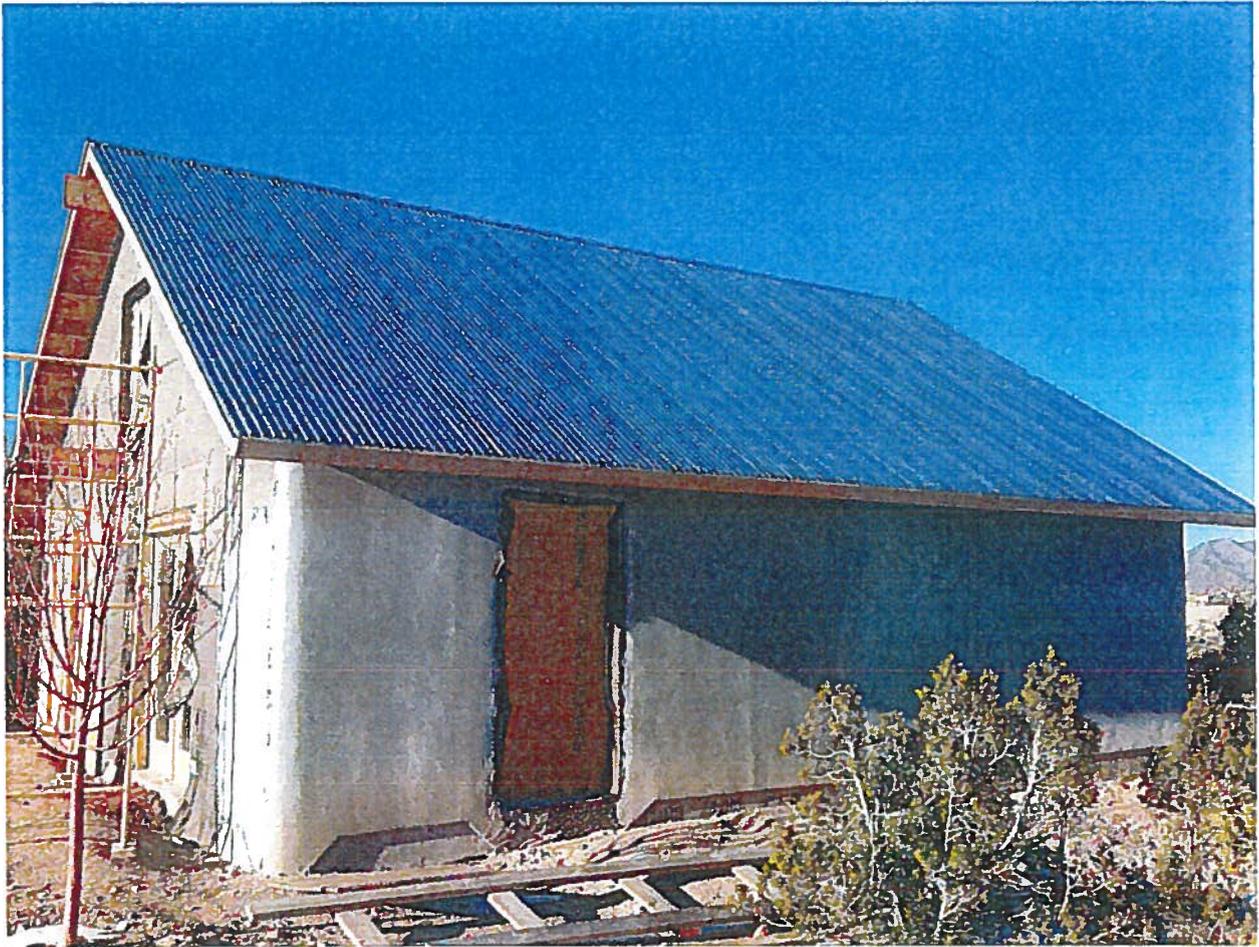
Henry Sanchez

35 Heather Lane



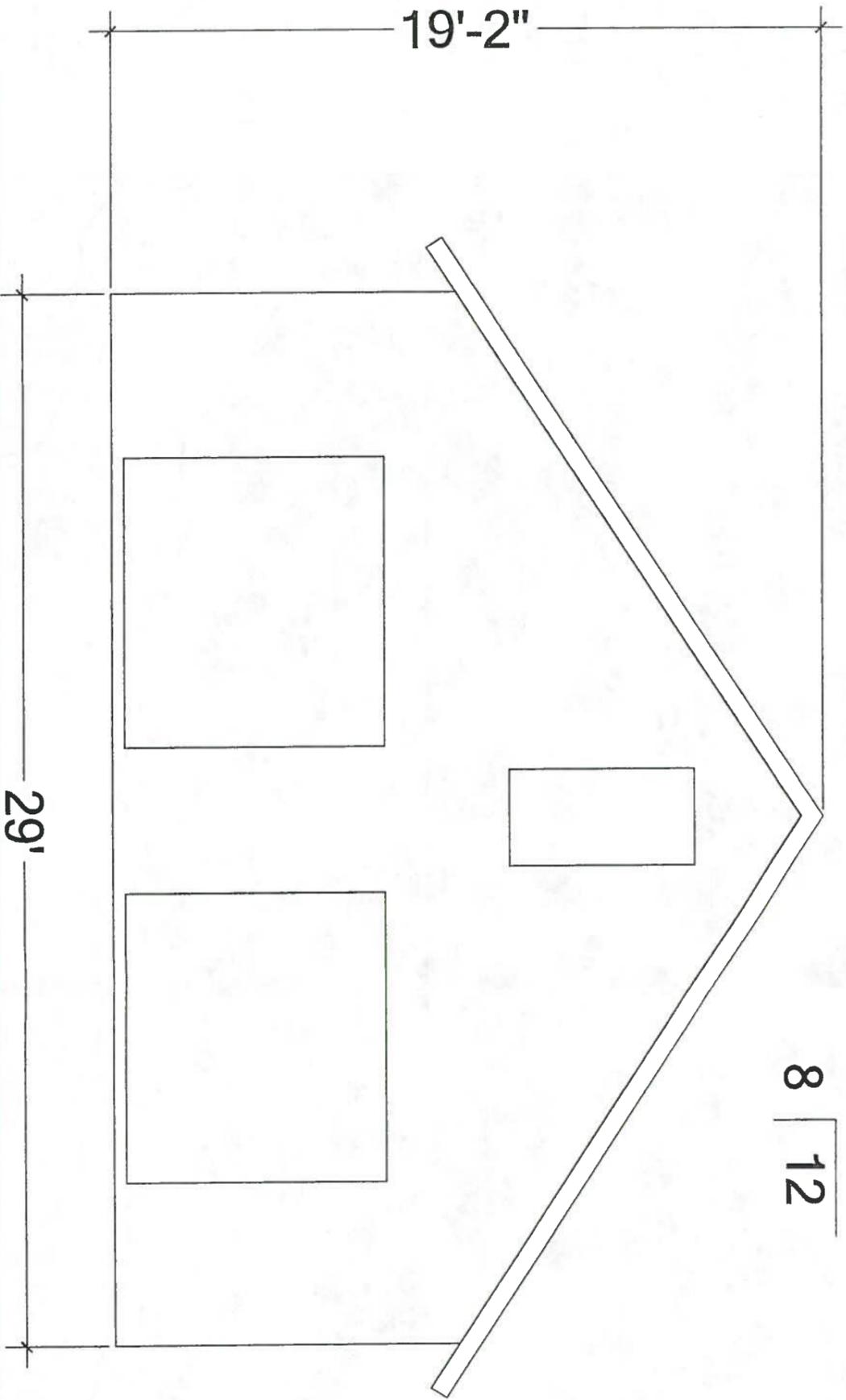
Henry Sanchez

35 Heather Lane



Henry Sanchez

35 Heather Lane

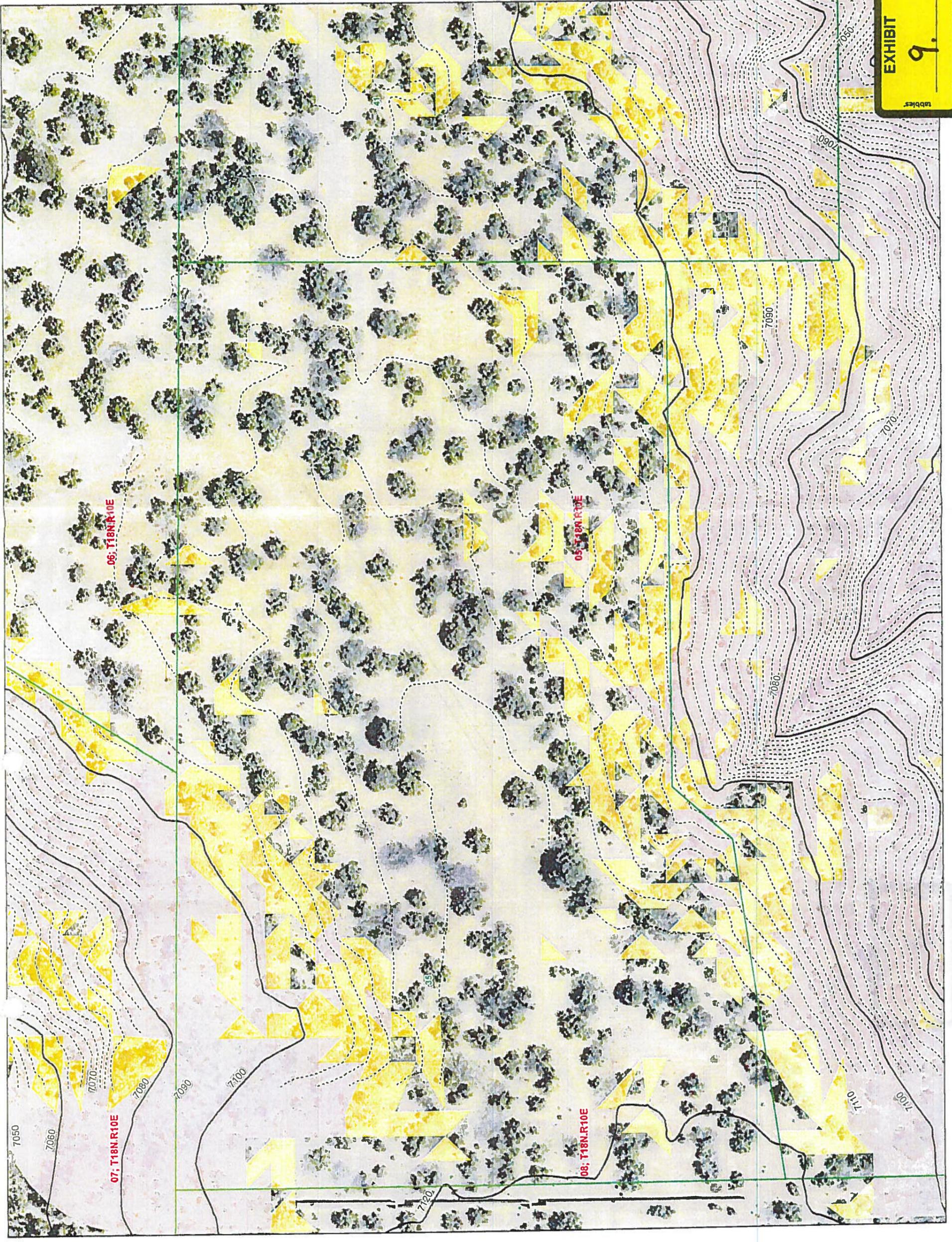


# GARAGE ELEVATION

SCALE 1/4" = 1'

tabbles<sup>®</sup>  
EXHIBIT  
8.

# Map of Property in Santa Fe County



## Legend

-  driveways
-  Parcels
-  Minor Roads
-  Major Roads
- slp181005t polygon
- PERCENT\_SLOPE**
-  0.000000 - 15.000000
-  15.000001 - 30.000000
-  30.000001 - 171.6390
-  Section Lines

1:500

1 inch represents 42 feet



**WARNING**  
Two (2) foot contour data sets are  
NOT SUITABLE FOR ENGINEERING WORK  
These data are appropriate for  
PLANNING PURPOSES ONLY

Orthophoto from 2008  
Contour Interval 2 Feet

This information is for reference only  
Santa Fe County assumes no liability for  
errors associated with the use of these data  
Users are solely responsible for  
confirming data accuracy



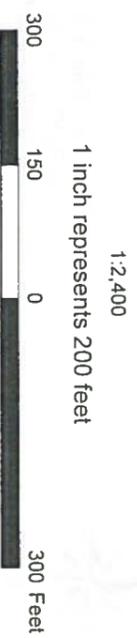
March 28, 2012

**EXHIBIT**  
**9.**



**Legend**

-  ROADS
-  DRIVeways
-  Parcels



2008 Orthophotography  
2 FOOT CONTOURS

This information is for reference only.  
Santa Fe County assumes no liability for  
errors associated with the use of these data.  
User are solely responsible for  
confirming data accuracy.

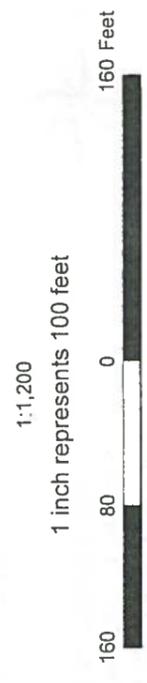


FEBRUARY 13, 2012



2008 Orthophotography  
2 FOOT CONTOURS

This information is for reference only.  
Santa Fe County assumes no liability for  
errors associated with the use of these data.  
User are solely responsible for  
confirming data accuracy.



- Legend**
-  ROADS
  -  DRIVEWAYS
  -  Parcels

VIII. NEW BUSINESS

- A. Henry Sanchez, Applicant, James McCreight, Agent, request a variance of Article III, Section 2.3.6b2 (Height Restrictions For Dwellings Or Residential Accessory Structures) to allow an existing 1,000 square foot accessory structure to exceed 18 feet in height on 2.5 acres. The property is located at 35 Heather Lane, within the vicinity of Chupadero, within Section 5, Township 18 North, Range 10 East (Commission District 1) [Exhibit 3: Letter of Opposition]

John Lovato read the caption and gave the staff report as follows:

“The Applicant requests a variance of Article III, Section 2.3.6b.2 (Height Restrictions for Dwellings or Residential Accessory Structures) to allow an existing 1,000 square foot Accessory Structure (Garage) to exceed 18 feet in height. The structure was originally permitted through Santa Fe County under permit #11-522, and the structure is near completion. After receiving a complaint regarding the structure and the roof reflectivity, staff conducted an inspection and found the structure exceeded height for what was permitted and the roof did not meet code standards for light reflective value of forty. The structure was approved at a height of 18’ but was constructed at 19’-2”.

“The Structure exceeds height requirements for ridgetops. The Maximum allowable height for ridgetops is 18 feet for a pitched roof and 14 feet for a flat roof. The Applicant states, a variance is needed due to the expense it would cost to bring the structure into compliance with the approved permit and to comply with height requirements for ridgetops. The Applicant further states the Accessory structure was constructed and human errors are to blame for exceeding height requirements.

“Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.”

Mr. Lovato stated staff was recommending denial of a variance Article III, § 2.3.6b.2 (Height Restrictions for Dwellings or Residential Accessory Structures) of the Land Development Code. If the decision of the CDRC is to recommend approval of the Applicant’s request, staff recommends imposition of the following conditions:

1. The Applicant shall screen the structure to protect and enhance the visual appearance of natural hillsides. (As per Article III, § 2.3.10a.3)
2. The structure and roof shall be constructed in non-reflective earth tone colors (As per Article III, § 2.3.8a.2).
3. The Applicant must update the approved development permit from the Building and Development Services Department to reflect the correct height of the accessory structure (As per Article II, § 2).



Member DeAnda asked if the maximum height was stated anywhere on the permit. Mr. Lovato said the permit is granted based on the plans presented to staff, and responding to questions from Member Drobnis, he said the building permit is stamped and the plans and elevations go on to Construction Industries Division. Materials are not specified.

Duly sworn, James McCreight, agent, stated they were unaware the property was in a hilltop zone. The Sanchez family has owned the property for 60 years, well before establishment of the Vista Redonda neighborhood, and it was due to irresponsible actions by people building in that development that the laws concerning ridgetops were passed. The difference in height is only 14". The additional height was an honest mistake in construction.

Mr. McCreight pointed out that of the ten lots in the Tesuque Villas Subdivision this is the only one in the ridgetop zone, although it is the lowest in elevation. The intent was to leave the roof unpainted so that it would look rustic in time. He stated their willingness to paint the roof to decrease reflectivity.

Mr. McCreight noted the neighbors waited until the structure was completed, then trespassed onto the land to measure the height, and further outlined a number of instances of criminal, vandalism and theft by the neighbors, saying, "It's not about the 14"; it's a vendetta." He said the garage was not visible from most directions and he was willing to provide screening. Mr. McCreight provided photographs of other properties in the area with more egregious visual impacts.

Member DeAnda asked how the lot could be subject to ridgetop regulations if it was the lowest. Mr. McCreight explained that ridgetop designation stems from area percentage of 30 percent grade, etc. She asked staff how someone would know if they were subject to ridgetop conditions and Mr. Dalton said it can be determined from a topo map or, if requested, staff can make a courtesy site inspection. In this case the plans appeared adequate.

Member Drobnis got confirmation that the garage was permitted.

Member Anaya asked what changed between the time the plans were drawn and the time the roof was completed. Mr. McCreight said the work was done by inexperienced construction workers.

Mr. Lovato stated he would check the plans in the files and have them scaled off to determine the original height. The plans were marked as 8 in 12 pitch.

Legal counsel for the Vista Redonda neighborhood, Gary Friedman distributed a packet of material. [A copy was not made available for the record.] He said the information included a letter from the architectural committee and a picture of the garage from the Larsen residence. He recognized the existence of bad blood between the parties, but said the mudslinging was immaterial to the question at hand. He characterized Mr. McCreight as an experienced developer who should have known better. Reading from the

code, he said there was no unusual topography that would justify a variance, nor was this a non-self-inflicted condition. He said the roof was highly visible. He asked the approximately ten Vista Redonda residents in the audience to stand.

Member Anaya asked Mr. Friedman if he had verified the "heavy complaints" in the letter from the architectural committee. Mr. Friedman said he had not but trusted the sincerity of his clients.

Under oath, area resident Harvey Simon said he was not worried about incidents in the past; he was worried about the future. To allow this variance would set a bad precedent and there should be no forgiveness for not following the rules.

Myron Roomkin, duly sworn, noted it was hard to hear of criminal complaints but told of an incident of the petitioner trespassing onto his property. Permitted projects should be built to specifications.

Mr. Lovato said his research showed the scaled plans come out to a height of 21 feet.

There was no further input from the public.

Member Anaya moved to deny CDRC Case #12-5360 per staff recommendation. Member Martin seconded and the motion passed by unanimous 5-0 voice vote. [Member Katz was not present for this action.]

~~VIII. B. CDRC Case #V 12-5111 William Frederick Wagner Variance.  
William Frederick Wagner, Applicant, (Sommer, Karnes & Associates, LLP), Joseph Karnes, Agent, request a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Family Transfer Land Division of 31.824 acres into two lots; one lot consisting of 20.990 acres and one lot consisting of 10.834 acres. The property is located at 45 La Barbaria Trail, within Section 9, Township 16 North, Range 10 East, (Commission District 4)~~

~~Wayne Dalton gave the staff report as follows:~~

~~"This case was originally reviewed under Section 9.8 (Mountain Special Review District Standards) of the Extraterritorial Zoning Ordinance. The Application was denied by the Land Use Administrator and the Applicant appealed that decision to the CDRC. On July 19, 2012, the CDRC met and acted on the case. The decision of the CDRC was to uphold the Land Use Administrator's decision and denied the appeal. After further review of Ordinance No. 2009-1, the Legal Department and staff have determined that Section 9.8 of the EZO is no longer in effect and the Application is governed by the County Land Development Code.~~